

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

NIKKO D’AMBROSIO,)	
Plaintiff,)	
v.)	Case No. 24 – cv – 678
)	
META PLATFORMS, INC., <i>et al.</i> ,)	Hon. Sunil R. Harjani
Defendants.)	

**AMENDED MOTION FOR EXTENSION OF TIME
TO RESPOND TO DEFENDANTS’ MOTIONS TO DISMISS SECOND AMENDED
COMPLAINT AND LEAVE TO FILE HIS RESPONSES TO DEFENDANTS’ MOTIONS
TO DISMISS IN EXCESS OF THE PAGE LIMIT**

The Plaintiff, Nikko D’Ambrosio, by and through undersigned counsel, brings this Amended Motion for Extension of Time to respond to Defendant Meta Platforms, Inc (“Meta”)’s Motion to Dismiss Second Amended Complaint (Dkt. # 65), Defendants Spill the Tea, Inc., Paola Sanchez, and Blake Millbrand’s Motion to Dismiss the Second Amended Complaint (Dkt. # 71), Defendant Abbigail Rajala’s Motion to Dismiss Second Amended Complaint (Dkt. # 75) and Defendants Rodney Rajala and Carol Rajala’s (Dkt. # 76), and Plaintiff additionally moves for leave to file his Responses to Defendants’ Motions to Dismiss in excess of the page limit, in support thereof, states as follows:

1. Meta filed its Motion to Dismiss the Second Amended Complaint on November 22nd, 2024 (Dkt. 65) .
2. On November 25, 2024, The Court entered an Order (Dkt. # 67) providing Motion by Defendant Meta Platforms, Inc. to dismiss second amended complaint shall be briefed as follows: Plaintiff’s response brief is due by December 16th, 2024, and Defendant’s reply is due by January 6th, 2025.

3. On December 2, 2024, Defendants Spill The Tea, Inc., Paola Sanchez, and Blake Millbrand filed a Motion to Dismiss the Second Amended Complaint (Dkt. # 71).

4. On December 5th, 2024, the Court entered an Order (Dkt. # 72) providing Plaintiff to respond to Defendants Spill The Tea, Sanchez, and Millbrand's Motion to Dismiss the First Amended Complaint by January 3, 2025 and Defendants replies are due January 17, 2025.

5. On December 9th, 2024, Defendant Abbigail Rajala filed her Motion to Dismiss the Second Amended Complaint (Dkt. # 75). Plaintiff's response is due by January 10th, 2025 and Defendants' reply briefs are due January 24, 2025 (Dkt. #81).

6. Additionally on December 9th, 2024, Rodney Rajala and Carol Rajala filed their Motions to Dismiss the Second Amended Complaint (Dkt. # 76), Plaintiff's response is due by January 10th, 2025 and Defendants' reply briefs are due January 24, 2025 (Dkt. #81).

7. Plaintiff seeks an additional 45 days to respond to these four pending Motions to Dismiss.

8. This request is brought in good faith and not for the purposes of delay. No prejudice will result if Plaintiff's request for an extension of time is granted.

9. Plaintiff has conferred with counsel for each Defendant regarding objections to such an extension, and counsel for each Defendant has represented that this Motion is unopposed.

10. Plaintiff consents to a stay of discovery pending the Court's resolution of the Motions to Dismiss.

11. Plaintiff additionally anticipates that his response motions will exceed the page limit and requests permission to file his motions in excess of the page limit.

12. On December 11, 2024, Plaintiff filed an Unopposed Motion for Extension of Time to Respond to Defendants' Motions to dismiss Secoond Amended Complaint and Leave to File his Responses to Defendants' Motions to Dismiss in Excess of the Page Limit. (Dkt. 82).

13. Later that evening, one Defendant objected to the language in Plaintiff's motion, raising concerns regarding specific phrasing that Plaintiff had intended to reflect the agreement among the parties. A Defendant raised a potential objection to the extension on the page limit. On December 12th Plaintiff requests that the Court withdraw this motion.

14. On December 12, 2024, Plaintiff determined that the most prudent course of action is to withdraw the pending motion and submit a revised motion addressing the objections raised.

15. Federal Rule of Civil Procedure 15(a)(2) permits parties to amend filings with leave of the Court or upon the consent of the opposing party. Courts routinely permit the withdrawal of motions to streamline litigation and address procedural concerns, particularly when doing so will not prejudice any party or delay proceedings.

WHEREFORE, the Plaintiff, Nikko D'Ambrosio, respectfully requests this Honorable Court enter an Order:

- a. Granting Plaintiff an additional 45 days to respond to the four pending Motions to Dismiss;

- b. Grant Plaintiff permission to file his Response to Defendants' Motions to Dismiss in excess of the page limit;
- c. Withdraw Plaintiffs Unopposed Motion for Extension of Time to Respond To Defendants' Motions to dismiss Second Amended Complaint and Leave to File his Responses to Defendants' Motions to Dismiss in Excess of the Page Limit; and
- d. Any such other and further relief this Court deems equitable and just.

Respectfully submitted,

/s/Marc P. Trent

Attorney for Plaintiff

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